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THE

INTERIM

A REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

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SHILL AUGUST 1980
PERIODICALS

VOL. II, NO. 15

LEGISLATIVE COUNCIL

MEETING
JULY 24

Ms. Carolyn Kenton of the Council of State Governments Lexington office presented the report of the CSG's Interstate Consulting Clearinghouse team concerning Legislative staffing and personnel administration in Montana. The report evaluates and recommends changes in staffing to the Legislature and the Legislative Council. A special section of the report considers legislative printing in particular. Copies of the final report will be available around September 1.

STATE DOCUMENTS COLLECTION

AUG 1 1980

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930 E Lyndale Ave.
Helena, MT 59601

SESSION
CALENDAR
TO BE KEPT

The Legislative Council will keep a master calendar of events scheduled around the 1981 session. This service should help in avoiding scheduling conflicts. The Council must rely on individuals and organizations who wish to sponsor events such as dinners to inform Kathy Thompson (406) 449-3064, if the calendar is to be successful.

The Council also reviewed and approved its budget for the next biennium. The next meeting is set for September 13.

BILL DRAFTING
SEMINAR

Council staff will conduct a bill drafting seminar for both government personnel and private persons involved in bill drafting on August 7 and 8 in the SRS auditorium. The seminar will emphasize fundamentals of bill drafting and questions and discussion will be encouraged.

ANNEXATION COMMITTEE

DISCUSSION
PROPOSALS
ADOPTED

The Study Committee on Annexation Laws met Thursday, July 10, to take action on the previously developed discussion proposals submitted to the public for comment during the past several meetings. The Committee gave preliminary approval to nearly all of the discussion proposals, with some modifications. In addition, the Committee recommended adoption of several proposals suggested by persons testifying at the various public hearings. In order to implement these recommended proposals, Committee members directed the staff to draft legislation for final approval at a meeting in September. Members also requested the staff to develop alternatives

to resolve problems with loss of pension rights for rural volunteer firefighters when annexation occurs and fire service is subsequently undertaken by the city.

Draft legislation will be submitted to interested persons before final action at the September meeting. Anyone interested in further details of the discussion proposals and Committee action may contact Deborah Schmidt, Committee researcher.

CORRECTIONS COMMITTEE

RECOMMENDATIONS MADE

At a July 17 meeting, the Committee on Corrections Policy and Facility Needs took final action on ten of the many bills before the Committee. The following bills did not receive Committee approval:

LC 50 - permanent custody for persistent felons; and

LC 46 - abolishing the parole system.

The Committee voted that the following bills be recommended to the 47th Legislature:

LC 34 - to allow the state to request an appellate review of legal sentence;

LC 35 - to increase to 5 years the maximum period for deferred imposition of a sentence for a felony;

LC 36 - to provide for fines and assessment of costs in felony criminal cases and allowing community service as a condition of deferred or suspended sentences;

LC 40 - to provide that additional sentences for crimes committed with a dangerous weapon are to run consecutively with the sentence provided for the offense;

LC 41 - to provide for increased punishment of persons who have been convicted of three separate felonies;

LC 51 - to revise the laws relating to parole eligibility;

LC 52 - to revise the law relating to good time allowance; and

LC 53 - to create a corrections board of visitors.

The Committee also decided to submit LC 32 - to eliminate the provision that an offender serving a time sentence (more than 35 years) may be paroled after 17 1/2 years - without recommendation to the 47th Legislature.

The Committee delayed action on LC 33 - to provide a plea agreement procedure, LC 38 - to provide for presumptive sentencing, and LC 54 - to provide for mandatory sentencing. LC 49 - increased penalty for sexual intercourse without consent - will be incorporated into LC 54 if LC 54 is endorsed by the Committee.

MEETING
AUGUST 21 AND
22

The Committee will meet again on August 21 and 22 to take final action on LC 33, LC 38, and LC 54, and to receive a recommended comprehensive corrections plan from the Department of Institutions.

BRANCHING OF FINANCIAL INSTITUTIONS

MEETING
AUGUST 26

A draft bill modifying the proposal of the Montana Bankers' Association, as directed by the Committee at its June 17 working session, has been circulated to Committee members and interested persons for discussion. The Committee will meet at 9:00 A.M., Tuesday, August 26, in Room 104 of the Capitol.

LOCAL GOVERNMENT COMMITTEE

CONSULTANT
REPORT HEARD
JULY 19

The Interim Committee on State Mandates and the Effects of State-Owned Property on Local Governments met in Helena Saturday, July 19. The Committee heard a report by Western Analysis, a Helena economic consulting firm, that indicated a general cost benefit to communities housing state facilities. In summary, property taxes generated from state employment were compared to approximate costs of servicing state property. Jim Jensen, NCSL grant intern working for the Committee, reported on a staff survey aimed at obtaining actual service costs. The report indicated that hard cost data is difficult to arrive at. City officials present at the meeting did offer testimony on the cost of servicing state property.

BILLS
RECOMMENDED

The Committee also addressed several state mandates under consideration. A draft bill was approved to substitute published quarterly financial statements of county finances for monthly county publishing of minutes and proceedings. The Committee considered a draft bill to "allow work periods other than 40 hours a week to be established by collective bargaining between counties and municipalities and their employees' bargaining agent." Also discussed was a bill to release the cities from their obligation to pay 100% of the health/medical insurance premiums for firemen and police officers.

The Committee heard staff reports on county medical assistance to the indigent and traffic education and crime victims' compensation funding through local traffic fine collections. The Committee is initially interested in state assumption of these local costs but will defer action until draft bills and fiscal analyses are presented at the final meeting. That meeting is scheduled for Saturday, September 13, at the State Capitol, Room 104.

NEXT MEETING
SEPTEMBER 13

ENERGY FORECASTING

ADDITIONAL
RECOMMENDA-
TIONS REPORTED

In addition to the Committee's recommendations adopted at the June 30 meeting and reported in the July Interim, Committee members voted at that meeting to request the Legislative Audit Committee to pursue performance audits on the five areas outlined in the Preliminary Survey of Montana's Energy Program and Energy Related Activities.

Work is proceeding on development of draft legislation implementing the Committee's recommendations for approval at a September meeting.

RETIREMENT COMMITTEE

COST-OF-LIVING
ADJUSTMENTS
EXAMINED

The Interim Study Committee on Public Retirement Systems met July 22-23 in Helena. During the Tuesday working session, the Committee's actuary, Alton Hendrickson, presented a cost-of-living report to the Committee. In his presentation, Mr. Hendrickson analyzed proposals previously submitted to the Committee and suggested an alternative formula for adjusting benefits. The formula is based on a percentage increase of the Consumer Price Index applied to a portion of an active employee's salary. On Wednesday, the Committee heard public testimony on the proposals and discussed possible funding sources for the cost-of-living adjustments. The Committee also selected Mr. Hendrickson's proposal and its possible variations for further study and development. The Committee plans to have sound cost estimates available prior to making a final recommendation.

SEED CERTIFICATION COMMITTEE

MEETING
JULY 11,
OFFICERS
ELECTED

The Study Committee on Seed Certification met for the first time on July 11. Participating in the discussions were representatives of Montana Seed Growers' Association, Montana Potato Improvement Association, Montana State University, State Department of Agriculture, State Department of Administration, and attorneys for both sides in lawsuits over seed potatoes. Senator Paul Boylan was elected chairman of the Committee and Representative Gene Donaldson vice-chairman.

Consensus of the Committee was that no change in certification laws should be commenced while litigation is pending, and the Committee adjourned until the call of the chair.

WATER COMMITTEE

MEETING
AUGUST 6

The Water Resources and Adjudication Oversight Committee plans to meet in the Student Union Building at Montana Tech on Wednesday, August 6, at 9:00 A.M. The Committee will review operating budgets submitted by the Water Judges and the Water Compact Commission. In the afternoon, the Committee will tour the Bureau of Mines and Geology to learn more about its groundwater studies program.

ADMINISTRATIVE CODE COMMITTEE

ECONOMIC
ANALYSIS
REQUESTED
JULY 15

At its meeting of July 15, 1980, the Administrative Code Committee voted to request that an economic impact analysis be prepared on the potential effects of amendments to the Montana Ambient Air Quality Standards proposed by the Board of Health. The law requiring an economic impact analysis on proposed regulations at the request of the Committee was passed during the 1979 Legislature and is included in the Montana Code Annotated as section 2-4-405. The Committee also requested that the Board of Health delay the adoption of the proposed amendments pending the Board's review of the economic analysis.

TRIPLE TRAILER
RULE REVIEWED

The Committee also reviewed the authority for the Highway Department to adopt regulations governing the issuance of excess weight permits to allow the use of triple trailer truck combinations, and continued its study of government paperwork.

MONTANA SALARY COMMISSION

MEETING
AUGUST 21

The first meeting of the Montana Salary Commission for 1980 is scheduled for 9:00 A.M., Thursday, August 21, in Room 139 of the Capitol.

In addition to recommending salaries for state elected officials, supreme court justices and district judges, the Salary Commission now has the duty to review and recommend salaries for the State Tax Appeal Board. The 1979 Legislature amended the law to make mandatory rather than discretionary review of the compensation of the Commissioner of Campaign Finances and Practices by the Salary Commission. At least two meetings of the Salary Commission are required by law before its recommendations and report are submitted by November 15.

LEGISLATIVE AUDIT COMMITTEE

MEETING The Legislative Audit Committee will meet August 18, 1980,
AUGUST 18 at 9:00 A.M. in Room 104 of the State Capitol.

SUNSET Public sunset hearings will be held on the Board of
Morticians, Board of Barbers, Board of Athletics, and
Board of Cosmetologists.

REPORTS TO The Committee will receive and review the financial/
BE ISSUED compliance audit reports on the Department of Social
and Rehabilitation Services and the Board of Pardons.

REPORTS Copies of all reports are available from the Office of
AVAILABLE the Legislative Auditor, Room 135, State Capitol, telephone
449-3122.

ENVIRONMENTAL QUALITY COUNCIL

MEETING The Environmental Quality Council (EQC) met Tuesday,
JULY 22 July 22, in the State Capitol.

NCSL SMALL- The agenda included a report on small-scale hydro develop-
SCALE HYDRO ment in Montana by representatives of the National Con-
REPORT ference of State Legislatures (NCSL). The EQC staff will
be working with NCSL to promote development of hydroelectric
potential at state-owned dams. Tax abatement systems, the
Major Facility Siting Act, alternative resource grants,
and financing were included in the discussion.

 The Commissioner of State Lands, Leo Berry, gave a brief
report on the recommended changes on oil and gas leases.

PERMIT The coordination of permit procedures as suggested in
PROCEDURES HJR 60, and the working paper prepared by the EQC staff,
received a negative recommendation. The Council suggested
that a facilitator position be developed in the Governor's
Office to assure permitting routes and time limits. A
sunset amendment to the Administrative Procedure Act
was also recommended.

 The Council requested that legislation be drafted for the
use of rerefined oil in the state fleet.

EQC STAFF TO The Council also moved that the EQC staff conduct an
INVESTIGATE objective investigation to determine whether or not the
AIR RULES Board of Health had adequate information regarding economic
impacts to adopt air quality rules.

NEXT MEETING The next EQC meeting is scheduled for September 16 in
Room 104 of the State Capitol.

LEGISLATIVE INTERIM CALENDAR

SUNDAY

MONDAY

TUESDAY

WEDNESDAY

THURSDAY

FRIDAY

SATURDAY

						1	2
3	4	5	6 Water Resources Butte	7 Bill Drafting Seminar 8:30 - 12:00 SRS Auditorium	8 Bill Drafting Seminar 8:30 - 12:00 SRS Auditorium	9	
10	11	12	13	14	15	16	
17	18 Legislative Audit Room 104	19	20	21 Salary Commission 9:00 a.m. Room 139 22 Corrections Room 104 9:30 a.m.	22 Corrections Room 104 9:30 a.m.	23	
24	25	26 Branching of Financial Institutions Room 104 9:00 a.m.	27	28	29	30	

SEPTEMBER

THURSDAY

FRIDAY

SATURDAY

SUNDAY

MONDAY

TUESDAY

WEDNESDAY

	1	2	3	4	5	6
7	8	9	10	11	12	Local 13 Government Room 104 Legislative Council Room 139 9:00 a.m.
14	15 Legislative Improvement (tentative)	16 EQC Room 104 9:00 a.m.	17	18	19	20 Revenue Oversight Room 104 9:30 a.m.
21	22	23	24	26	27	28
29	30					



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